

Application No.: 10/517,796

Docket No.: REGIM 3.3-046

IN THE DRAWINGS

Attachment: Replacement Sheet 1

REMARKS

The present Amendment is filed in response to the Official Action dated June 7, 2006, the shortened statutory period for filing a response having expired on September 7, 2006. Applicants submit herewith a three-month extension petition to reset the deadline for responding to the Official Action to and including December 7, 2006. In view of the present amendments and remarks, it is believed that all of the rejections set forth in the Official Action have been fully met, and favorable reconsideration and allowance are earnestly solicited.

Prior to the present Amendment, claims 1-12 were pending in this application. In paragraphs 1-4 of the Official Action, the Examiner discusses her previously issued restriction requirement under 35 U.S.C. §§ 121 and 372. Applicants hereby affirm the provisional election of the Group I invention directed at claims 1-3 made by the undersigned during a telephone conversation with the Examiner on June 2, 2006. Claims 4-12 have been amended to ultimately depend from claim 1, and are thereby made part of the Group I invention. Further, new claims 13-21, also ultimately depending from claim 1, have been added to this application. Accordingly, claims 1-21 have now been presented for prosecution.

In paragraph 5 of the Official Action, the Examiner objected to several drawing figures stating that such figures contained only prior art. Applicants have amended Figs. 1 and 2, appearing on drawing sheet 1, to include a "PRIOR ART" annotation. Applicants trust that such action will obviate the Examiner's objection, and the objection will be withdrawn. Favorable reconsideration is thereby respectfully requested.

In paragraphs 6-7 of the Official Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being

anticipated by U.S. Patent No. 5,302,026 issued to Phillips ("Phillips"). In the Examiner's view, Phillips discloses each of the claimed features of former claims 1-3.

The Phillips temperature probe includes an opening 20 constructed so as to have an entrance which is perpendicular to the plane formed by the flange found at the base of the probe 10. In other words, the entrance to the opening is parallel to the bore axis 18. This relationship is similar to that shown in Figs. 1 and 2 of the present invention, which have been indicated as representing prior art.

On the contrary, claim 1 has been amended to clarify that the fluid intake include an inlet 1 defining a surface that slopes with respect to a surface perpendicular to the fixing plane 11. This relationship is best shown in Figs. 3 and 13a, where the defined sloping surface at the inlet is shown at an angle α (Fig. 3) or θ (Fig. 13a) with respect to a surface perpendicular to the fixing plane.

As discussed within the claim itself, and further at specification page 7, line 22 through specification page 8, line 2, this sloping surface has the advantage of permitting ice formed thereon to slide along the surface and become disengaged therefrom. For at least this reason, claim 1 is believed to be novel over the Phillips reference, and reconsideration of the Examiner's § 102 rejection thereof is respectfully requested.

It is specifically noted herein that amended claim 1 clarifies the prior relationship of these components by defining the sloping inlet in terms of a structural component of the probe rather than a flow direction of the fluid at the intake, as previously claimed. Nevertheless, the claim scope in this regard remains true to the original claim, of which the sloping surface was a component.

Claims 2-21 each ultimately depend from claim 1 and are also believed to be allowable over Phillips. Additionally, it is firmly believed that claims 2-21 each include subject matter beyond that of claim 1 which is independently patentable. For example, claim 20 requires that the fluid intake present an inside section defined by two substantially plane surfaces extending facing each other and interconnected by surfaces of round shape. These features are not taught in Phillips. Accordingly, reconsideration of the claim 2-3 rejections and allowance of claims 2-21 is earnestly solicited.

Lastly, Applicants note that the claims have been amended to more closely conform to U.S. practice. Such claim amendments are for clarification only, and should not be deemed as limiting the scope at any particular claim.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

Application No.: 10/517,796

Docket No.: REGIM 3.3-046

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: December 7, 2006

Respectfully submitted,

By 

Scott E. Charney

Registration No.: 51,548

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants

715054_1.DOC